A FELLOWSHIP OF THIEVES: PROPERTY CRIMINALS IN EIGHTEENTH-CENTURY MASSACHUSETTS

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In recent years, scholars have begun to explore the social contours of property crime in early modern Europe and North America. Historical studies of the problem in England, France, Spain, Holland, New York, Massachusetts, and elsewhere have described various patterns of larceny, burglary, and robbery, ranging from the spontaneous petty thefts of impoverished laborers desperately seeking their own material subsistence to the more systematic depredations of full-time professional thieves firmly enmeshed in a cohesive criminal underworld.[1] Between those two extremes of indigent crime for survival and professional crime for profit, a number of scholars have tentatively identified an important middle range of offenders, habitual thieves who were not full-time professionals, but who repeatedly alternated between criminal activities and honest labor, drifting in and out of an amorphous subculture of vice.[2]

With that rough comparative morphology of early modern offenders in mind, the following essay will examine the careers of a number of serious property criminals of eighteenth-century Massachusetts, drawing on a surprisingly rich body of published autobiographical narratives, particularly execution broadsides and pamphlets. Among other things, those sources will suggest the predominance of the aforementioned "middle range of offenders" in the commission of serious property crimes. But before turning to the corpus of autobiographical literature, it may be useful to provide a brief overview of the problem of property crime in eighteenth-century Massachusetts, relying on such primary sources as sermons, court records, newspaper accounts, and legislative acts, as well as on the work of modern scholars.[3]

The Problem of Property Crime

The problem of serious property crime had already emerged in Massachusetts during the first decades of European settlement. An early colonial act of 1642 against burglary, robbery, and theft referred to the "many persons of late years" who were "apt to be injurious to the goods and lives of others." Nearly ten years later, in 1651, the records of the General Court of the colony complained that "many crimes" were being committed in Boston "both by night & by day." During the following year, the legislature referred specifically to "theft" as "a sinne of late much growing vppon vs" and enacted new legal penalties to combat it.[4] Like alcoholism and prostitution, property crime was just one among a variety of social vices that beset Boston as it developed into a thriving seaport over the course of the seventeenth century.[5]

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Not surprisingly, the problem persisted into the provincial period. During the spring and summer of 1712, for example, Boston merchants, shopkeepers, and tradesmen suffered through an extended series of larcenies and burglaries.[6] When a gang of young thieves were arrested and convicted of the crimes, Cotton Mather, one of the most eminent ministers in the province, delivered two sermons bemoaning the problem of theft in Massachusetts. The first of those discourses drew a "Vast Assembly" and both were quickly published, suggesting that the clergyman's alarm may have been shared by the general public.[7] Just three years later, in January of 1715, Boston's selectmen acknowledged "the great perplexity" felt by townspeople in the face of frequent attempted robberies and offered a monetary reward for the apprehension and conviction of the criminals responsible.[8] That same year, the General Court imposed the death penalty for burglary of dwelling-houses at night.[9] Over the following decades, legislators repeatedly acknowledged the inadequacy of existing laws against property crime, enacting harsher penalties to combat the receiving of stolen goods (1723), theft (1736), robbery (1761), and burglary (1770).[10] Although a more ambitious legislative effort to restructure the province's criminal code was apparently sidetracked in 1765 by the onset of the Stamp Act crisis, such an overhaul was finally enacted by the new state legislature twenty years later in 1785.[11]

But not even stricter penalties solved the problem. On the contrary, local newspaper coverage suggests that there was an upsurge of property crime in Boston during the decade following the French and Indian War, particularly in the winter months, when demand for labor tended to be relatively low.[12] During that same period, Thomas Hutchinson, the Lieutenant Governor and Chief Justice of the Superior Court of Judicature, repeatedly bewailed the epidemic of thefts, burglaries, and robberies.[13] Although the Revolutionary war *may* have caused a temporary decline in the incidence of property offenses, the problem certainly reemerged with the arrival of peace; indeed, there seems to have been a postwar crime wave beginning in the early to mid-1780s.[14] The increased incidence of serious property crime was not only suggested by a renewed stream of newspaper reports, but was also reflected in the caseload of the Supreme Judicial Court; there were a dozen indictments for burglary before the state's highest tribunal during the single year of 1784, compared to a total of only four during the preceding four years combined.[15] No fewer than five property criminals, three burglars and two robbers, were executed in Massachusetts during that year alone.[16] Not even the legislative overhaul of 1785 succeeded in stemming the tide of property crime; rather, such offenses persisted in relatively large numbers into the 1790s and occasionally assumed particularly dangerous forms.[17]

During the winter and early spring of 1797, Boston was one of a number of towns across the country that were struck by a series of house fires, some involving arson and attempted burglary; in one case, a conflagration that might have destroyed a large part of the town was only narrowly averted. The residents of Boston quickly mobilized to combat the alarming problem that was also addressed rhetorically in a sermon delivered by a local clergyman in March of that year and published shortly thereafter. Although the Reverend John Lathrop affirmed that God was every Christian's ultimate refuge from danger and trouble, the minister also suggested a few more practical remedies. Among other things, he urged energetic governmental action, suggested that the existing system of "*police*" needed

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improvement, and called for the erection of large houses of "punishment or industry," modeled on a similar institution recently established in Bavaria, within which might be confined the various "*vagrants*, strolling *mendicants*, and people of suspicious, and of bad character" who were presumably responsible for many of the recent evils.[18] In short, Lathrop's discussion at once recalled traditional Anglo-American fears of the "strolling poor," reiterated more than a century of local concern over recurrent property crime, and reflected a new era of international penal reform.[19]

Any survey of modern scholarly interpretations of property crime in eighteenth-century Massachusetts ought to begin with the work of Carl Bridenbaugh, whose two classic studies of early American cities (including Boston) concluded that the problem of property crime – along with other forms of urban disorder – increased substantially over the course of the seventeenth and eighteenth centuries.[20] That perception of a rising tide of colonial crime was implicitly challenged by the findings of a ground-breaking quantitative study of criminal prosecutions in provincial Massachusetts produced by David H. Flaherty in 1981. Flaherty calculated rates of prosecution before the Superior Court of Judicature between 1693 and 1769 for various categories of offense; he found relatively low, even declining, rates of criminality throughout the period and concluded that "overall the system of social control did function effectively for the prevention and prosecution of serious crime."[21]

However, a number of even more recent studies of crime in eighteenth-century Massachusetts, including three that have carried quantitative calculations based on court records into the last thirty years of the century, have suggested that Massachusetts faced two crime waves after 1760, one beginning in the early to mid-1760s and probably continuing until the outbreak of the Revolutionary War in the mid-1770s, the other beginning in the early to mid-1780s with the return of peace and apparently continuing into the 1790s.[22] Those twin surges of peacetime property crime apparently coincided with the increasing stratification of wealth in late colonial and revolutionary Boston, the concurrent growth of urban poverty, and the gradual emergence of a sizeable contingent of impoverished transients wandering across the Massachusetts countryside.[23]

The proliferation of the "strolling poor" seems to have been a particularly significant, if perhaps only temporary, development; while serious property crime probably remained a predominantly urban phenomenon, there is at least fragmentary evidence that crime increased even more rapidly in rural Massachusetts than in Boston during the second half of the eighteenth century.[24] Though the burgeoning incidence of property crime in rural areas *may* have been ameliorated by the rationalization of settlement and poor-relief laws during the 1790s, the problem of persistent urban crime seems to have been less easily solved.[25] Indeed, the pattern of surging property crime in Boston during the decades between 1760 and 1800 may represent a transitional phase between the sporadic or *epi*demic outbreaks of the seventeenth and early eighteenth centuries and the *en*demic problem that had emerged in American cities by the first half of the nineteenth century.[26]

Although David Flaherty's optimistic conclusion concerning the effectiveness of social control in provincial Massachusetts *may* be warranted for the years between 1693 and 1760, such an assessment certainly cannot be sustained for the

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last four decades of the century. After 1760, and particularly after the end of the French and Indian War, frequent newspaper reports of property offenses suggest that a critical threshold had been crossed both in the actual incidence of such crime and in the public's awareness of it as a serious social problem. The alarms of Thomas Hutchinson and John Lathrop, delivered with apparent urgency from bench and pulpit, simply reinforce that impression. In short, if late provincial and early national Massachusetts was not quite yet a den of thieves, it increasingly *was* a society chronically beset by those who, to use some venerable legislative language, were "apt to be injurious to the goods and lives of others."[27]

The Literary Sample

If property crime was indeed a recurrent social problem throughout the eighteenth century, and particularly during the years after 1760, what do we know about its practitioners and their methods? Who were the thieves of provincial and early national Massachusetts? Where did they come from, why did they turn to crime, and how did they pursue their illicit vocation? Those and other related questions were addressed by a series of popular eighteenth-century publications closely associated with the gallows. Criminal executions in late provincial and early national Massachusetts often evoked execution broadsides – ephemeral works based on British models – introduced to New England by the 1730s and popular throughout the remainder of the century. Printed on a single side of a folio sheet, such broadsides were frequently issued on the day of an execution and were undoubtedly sold among the crowds assembled at the gallows. Although some of those publications consisted of warnings or laments in verse, most took the form of prose narratives. Almost all of the more than thirty prose broadsides that survive from the eighteenth century conformed to a standard pattern, featuring first-person statements with such formulaic titles as *The Declaration & Confession of Matthew Cushing* (1734), *The Last Speech & Dying Words of William Welch* (1754), and the *Life, Last Words and Dying Confession of Rachel Wall* (1789).[28]

Such prose broadsides did not contain speeches actually delivered by criminals at the gallows, but rather written statements prepared in prison during the days preceding an execution. While the earliest broadsides consisted largely of religious warnings and advice, most subsequent "last speeches" were predominantly secular in tone and autobiographical in content. Although pious formulas continued to appear, statements published after 1750 routinely included such biographical data as the criminal's age and place of birth, and detailed accounts of his (or her) upbringing, travels, occupations, and crimes. During the second half of the century, a few criminal memoirs were even published as pamphlets or books.

How trustworthy are those popular criminal narratives as social-historical sources? Several studies have affirmed the factual accuracy of similar genres published in England.[29] In addition, the reliability of much of the information on specific crimes, trials, and punishments described in Massachusetts narratives has been confirmed by data in surviving court records.[30] Although ministers, publishers, and others certainly played active roles in extracting "last speeches" through interrogations in jail and undoubtedly often drafted such statements for illiterate criminals, there is little reason to doubt that the biographical material they

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contain was based on information actually provided by condemned men and women.[31]

Since many of the published narratives dealt with the cases of burglars and robbers, it is not surprising that they provide much information on property criminals of the period. In fact, eighteen contemporary broadsides and four longer narratives describe the lives and careers of a total of twenty-five property offenders who operated in eighteenth-century Massachusetts, most of whom were executed for their property crimes.[32] Those various autobiographical publications, along with surviving court records and files dealing with the criminals depicted in the published works, will provide the basis for most of the discussion that follows.[33] It should be stressed that the twenty-five malefactors treated in the autobiographical literature are *not* offered as a representative sample of all thieves in eighteenth-century Massachusetts; rather, they constitute a group of the most serious property offenders of that time and place, exceptional both in their capital convictions and in the extraordinary amount of information available about them.

The sample of offenders to be studied here generally conforms in gender and age distribution to the patterns found by other investigators of early modern property crime.[34] Only one of the criminals in the sample was a woman and all but six of the twenty-five thieves were executed while in their twenties; two were in their late teens, one in his thirties, and two in their forties. Only Henry Tufts, a wily thief and trickster, managed to cheat the hangman and live to the ripe old age of eighty-two. Although it is logically possible that those gender and age distributions resulted from biases in the apprehension, prosecution, and punishment of such criminals, the sample distribution (along with the similar patterns in early modern Europe) certainly suggest that most serious property crimes in eighteenth-century Massachusetts were committed by young adult males. The broadside "last speeches" and other narratives provide a wealth of information concerning those young men and their offenses.

Early Lives: The Turn to Crime

Where were the thieves of eighteenth-century Massachusetts born? All three of the property criminals executed before 1760 had been born in Ireland. In contrast, six of the seven thieves in the sample executed between 1764 and 1774 seem to have been from New England, all but one of those from Massachusetts itself. The only true outsider had been born in England. Those condemned between 1783 and 1799 represented more of a mix. Four were natives of New England, including two from Massachusetts and one each from Connecticut and New Hampshire. Another five had been born abroad, four in Ireland and one in France. The remaining six thieves executed between 1783 and 1799 were from various non-New England colonies or states, including three from New York and one each from Pennsylvania, New Jersey, and Virginia.[35]

How should that pattern of nativity be interpreted? The fact that the three earliest malefactors came from Ireland may suggest the disproportionate role of immigrants in Massachusetts property crime during the first six decades of the eighteenth century, or it may simply reflect a reluctance on the part of local authorities to execute native-born criminals for property offenses. The fact that

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condemned men in the middle period had nearly all been born in New England, mostly in Massachusetts, may indicate the maturation of an indigenous criminal element in the region, or it may merely signal a growing willingness to crack down on home-grown offenders. Finally, the mixed pattern of origins in the final period may indicate the gradual integration of Massachusetts into a wider criminal underworld that apparently flourished up and down the Atlantic seaboard during the second half of the eighteenth century, or it may simply reflect a more general shuffling of population – especially of poor, unattached males – stimulated by the Revolutionary upheaval.[36]

Who were the parents or early guardians of the thieves? Were there patterns in their upbringing that help explain their eventual turn to serious crime? The "last speeches" of several of the condemned thieves strongly pointed to such factors. For example, William Welch, born in Ireland in 1730 or 1731, testified that his "cruel" stepmother not only "prevented" his "Education," but also helped launch his juvenile career as a petty thief by taking him to markets and fairs to pick pockets and by serving as a receiver of his stolen goods. Richard Barrick, born in Ireland in 1763, explained that he was raised in a foundling-hospital and was apprenticed at the age of ten to a silk-weaver; when his master "starved and froze" the boy "almost to death," Barrick "left him, and roved through the streets, and frequently stole small things from shop-windows." He later joined a gang of thieves, with whom he picked pockets, until he was caught, convicted, and forced to join the navy as an alternative to imprisonment.[37]

Two of the American-born criminals also testified to the formative influence of cruel or dishonest elders. Isaac Frasier was born to parents "in low circumstances" at Kingston, Rhode Island, in 1740 and had the further misfortune of being apprenticed at the age of eight to a shoemaker, with whom he lived for eight years "in the most abject condition." Young Frasier's "allowance of food" was "so small" that he "was often induced by hunger" to steal for his subsistence; also, much like Welch's stepmother, Frasier's mistress encouraged his pilfering of "sundry...trifling articles." The case of Stephen Smith, born into slavery in Sussex County, Virginia, in 1769 or 1770, was somewhat similar to those of Welch and Frasier. Despite his father's piety, Smith's mother "encouraged" him "to *Steal*," leading him to commit "many small Thefts" in his youth.[38]

Aside from the cases just mentioned, most of the other convicts offered far more favorable portraits of their parents or guardians, indicating that they turned to crime *despite* the best efforts of their elders. For example, Levi Ames, born in Groton, Massachusetts, during the early 1750s, reported that he belonged to "a credible family" and was "the first of the family who was ever disgraced." John Mansfield, born in the Province of Maine in 1760 or 1761, claimed that his parents had been "reputable" and that his siblings were "well esteemed by those who know them"; he recalled: "My parents have been exceeding kind to me; they took all possible care of my education while I continued with them; I always had their good wishes, and, when opportunity offered, their best advice...." And Francis Coven, born in Marseilles, France, during the early 1760s, declared that "he came of reputable Parents" and that "his Father was a Merchant, who brought him up in the Ways of Virtue and gave him a good Education."[39] A dozen of the other thieves in the sample, including two from Massachusetts, six from other colonies or states, and four from abroad, also referred favorably to the characters of their parents or guardians.[40]

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Although there is certainly a formulaic tone to the literature's composite catalog of "credible" or "reputable" parents – probably a function of standardized leading questions posed by the jailhouse interviewers who often drafted the "last speeches" – there is little reason to doubt its underlying accuracy. After all, reports of wicked, even criminal, elders contained in the "last speeches" of Welch, Barrick, Frasier, and Stephen Smith suggest that far less favorable formulae were available to prison (auto)biographers. If, then, the testimony of the majority is to be believed, most of the condemned thieves were *not* born into a criminal subculture. It should follow that their turns to crime often involved a process of breaking away from the values – and the authority – of pious and respectable elders.

In a few cases, the break occurred quite early in life. Matthew Cushing recalled that he was "rebellious and head-strong" from his "Childhood" and that his parents were unable to "rule" him. Arthur, a slave from Taunton, Massachusetts, claimed that his life of "notorious Crimes" began when he ran away from a harsh mistress at the age of fourteen and joined a community of dissolute Indians. Rachel Wall reported that she left her parents "without their consent" at a "very young" age, soon marrying a man who introduced her to "bad company" and a life of crime. Thomas Mount confessed that he "played truant," robbed orchards on Sundays, provided a wicked example for many "boys" of his acquaintance, despised his parents, and considered everything they said to be beneath his regard. Finally, John Stewart's first step into crime was an act of filial betrayal; at the age of fifteen, he defrauded his parents of some property and divided the spoils among his "wicked Companions."[41] Note that in most of those instances, the break with the authority of elders was accompanied by involvement with an alternative fellowship of vice, whether Arthur's "Indians," Wall's "bad company," Mount's "boys," or Stewart's "wicked Companions."

Even when the turn to crime occurred later in life, it was sometimes depicted as a consequence of social influence, rather than purely personal depravity. Thus, for example, Daniel Wilson blamed the "advice and persuasion" of a disreputable associate for his own turn to horse-stealing, following a diligent and successful career as a house-carpenter. Similarly, after describing how a young man in New York City had led him to a boarding-house occupied by "bad Women," John Stewart explained how the same individual tempted him to turn to property crime. "One Evening this young Man took me out and told me that I could get more Money in a Night by Thieving, than I could by Work, to which I agreed," he recounted. "On that Night I went into a Shop and stole about the worth of two Dollars...."[42] Although one should be cautious in crediting what may be self-serving attempts by criminals to spread the blame for their misdeeds, or efforts by pious redactors to illustrate the dangers of bad company, there is little reason to doubt that such accounts of disreputable companionship and criminal tutelage had some basis in fact. If so, those cases suggest that, in turning to theft, the offenders had succumbed less to economic necessity than to personal temptation and the influence of peers.[43]

In several instances, the break with respectable parents, and the entry into a world of vice and crime, was accomplished through military service. British-born Joseph Lightly joined the King's forces during the Seven Years' War; he recalled: "As soon as my Mother knew of my being inlisted [sic], she told me she hoped she

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should hear of my being hanged, for my Cruelty of going to leave her against her Will...." Despite his mother's parting malediction, Lightly joined his regiment at Dublin, Ireland; they later marched to Cork, from where they embarked for overseas service. "After my Arrival at *Philadelphia*, in *North-America*, I soon began to forget God," Lightly testified, "and being in the Army, where all Manner of Vice and Wickedness prevail'd, I fell into Cursing and Swearing, taking great Delight therein; as also in contriving all Sorts of Mischief."[44]

A generation later, at the commencement of the American Revolution, Dirick Grout enlisted in the American army although it was against his "Father's Will" and despite his parent's "repeated good Council." When Johnson Green enlisted with the colonial forces near the outset of the same conflict, it was also "contrary" to the "advice" of his mother. A year or two after that, William Huggins enlisted in the army for a five-month term. "During my short stay in the army, I became acquainted with many vices I had not ran into before," Huggins recalled in jail. "I contracted a love for gaming, playing for money and cheating those I played with; took to drinking, and as I grew older those sins became more familiar to me, and harder to part with."[45]

The turn to serious crime typically occurred after the period of military service.[46] Joseph Lightly represents a classic case of the furloughed soldier turning to a rambling life of transiency and criminality. "After I had intirely [sic] left the Army, I went up and down through the Country, in Order to get acquainted with the Roads, for my Intention was to Rob, or do any other Sort of Mischief I could lay my Hands to, for Support," Lightly explained. "In my Progress through the County I stole two Shirts and two Pair of Trowsers." His anti-social stroll through New England was interrupted by his arrest in Hartford in February, 1765, on suspicion of having murdered a female companion in Ware, Massachusetts. Although he had admittedly intended to defraud the woman, he denied having killed her; nonetheless, he was convicted and executed for the homicide later that year.[47]

Dirick Grout's turn to crime, nearly twenty years later, took place in an urban setting. After repeatedly enlisting in the American army during the Revolutionary War, Grout left the military in 1780, having committed no crimes during his period of service. Although he initially returned to his home in New York state, Grout eventually made his way to the vicinity of Boston, where he struggled to find work and lodging, with only sporadic success. Even as he searched (largely in vain) for legitimate employment, the impoverished veteran began to commit a series of property crimes. "The first Theft I committed was at a House at the North-End, where I stole some Fowls and a Jacket," Grout testified, "for which I was detected, tried, convicted and received fifteen Stripes." That initial crime may have been committed in October of 1783; afterwards, he was induced to steal ten more fowls by a poor companion, and was again caught, convicted, and whipped. Later, in March and April, 1784, he committed a series of burglaries, some in conjunction with two other accomplices. In August, 1784, Grout was indicted for several of those burglaries and convicted of one of them, for which he was hanged in October of that year.[48]

The linked cases of William Huggins and John Mansfield represent variations on the same theme of social and economic displacement in the wake of war. After Huggins had served for several months in the army – and acquired such vices as

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gaming and drinking – he returned to farming, the occupation to which he had been bred, in his hometown of Fish-Kill, New York. Finding that civilian work did not agree with him, he reenlisted for another term of six months. After being discharged from that second stint of military service, he once more returned to his parents, probably resuming agricultural employment. But he again became "uneasy" at home and moved to Stockbridge, Massachusetts, where he went into the "farming business," squandering his money as quickly as he earned it. At that time he met and "became very intimate" with one John Mansfield.[49]

Huggins' new friend was a young mariner from Maine who had been stripped of all his money and property, down to the buckles on his shoes, when the ship he was on was seized by a British man-of-war in September, 1781. Mansfield was then held on a prison ship in Halifax harbour until May, 1782, when he managed to escape. After much hardship and danger, he finally made his way to Beverly, Massachusetts. From there, unwilling to return to his friends in an impoverished state, Mansfield decided to "go into the country, and endeavour to mend...[his] fortune," probably through agricultural labor. "I sat [sic] out with a design to go to work," Mansfield later explained, "but after trying this method for a small time, I found that I could not get as much for my labour as those who were used to such work; and consequently could not clothe myself as I then wished."[50]

Mansfield eventually "stroled into the country as far as *Stockbridge*," where he befriended William Huggins. "We found each others circumstances to be somewhat similar; and after some consultation, we agreed to go to *Salem* together, and look out for a vessel and take a voyage to sea," Mansfield recalled. "In order to fit ourselves out with clothing and other necessaries, and to furnish us with money to purchase some things to carry with us to trade with, as a venture, we came to the fatal determination...to rob and steal from others what we thought would be sufficient for our purpose." The two men were soon apprehended and convicted for burglary in the town of Harvard, Massachusetts, in October, 1782, and were executed the following June at Worcester.[51]

The experiences of Lightly, Grout, Huggins, and Mansfield suggest what may be a far broader pattern in the criminal careers of Massachusetts thieves. Another hint of that pattern may lie in the particular years in which the property criminals in the sample were put to death. Twenty-three of the twenty-four executed malefactors were hanged during the years 1732-1738, 1764-1774, or 1783-1799. Put another way, only one of the offenders was hanged during the wartime years of 1739-1748 (War of Jenkins' Ear; King George's War), 1754-1763 (French and Indian War), or 1775-1782 (American Revolution). The sole apparent exception was William Welch, executed in April, 1754; however, the crime for which he was hanged was actually committed during the peacetime year of 1753.[52]

Why were there virtually no criminal executions during wartime? Contemporary observers and recent historians alike have noted that British property crime rates from the sixteenth through nineteenth centuries seemed to decline with the outbreak of war and to rise with the arrival of peace. That pattern has generally been ascribed to the numerical impact of military enlistments (or conscription) and subsequent demobilization on the pool of young men most likely to engage in criminal activities; in other words, wars tended to remove many potential offenders from civilian society into the armed forces, while the onset of peace resulted in a returning flood of demobilized, often brutalized, commonly jobless,

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and potentially criminal soldiers and sailors who could not easily be reintegrated into a peacetime economy. It also seems probable that many young men (particularly those at the economic margin) who had not themselves engaged in military service, or been directly displaced by the war, would have been adversely affected by the sudden expansion of the labor pool caused by returning veterans.[53]

Although only a few of the twenty-five thieves in the sample depicted wartime displacement or related hardships as causes of criminality, and although it should be stressed again that those offenders are not offered as a strictly representative sample of all property criminals in the colony (or state), the striking absence among them of malefactors executed during wartime years certainly suggests that the British pattern may have been replicated to some degree in eighteenth-century Massachusetts. If so, social displacement and economic hardship must indeed have played a contributory role, along with early inclination, peer pressure and personal temptation, in turning at least some of the men under study here to criminal pursuits.[54]

The Pattern of Crime

What sorts of crimes were committed by the capital thieves of eighteenth-century Massachusetts? And what sort of criminals were they? A few of them may have been full-time professionals, subsisting entirely on the fruits of their thefts over extended periods of time, while performing no honest labor.[55] Most, however, although habitual in their criminality, also engaged at least some of the time in non-criminal occupations. The thieves in the sample thus apparently included a shipwright, a housewright, and a bricklayer, along with numerous servants, mariners, and laborers.[56] Such men either committed thefts during periods of lawful employment as a supplement to honest wages, or went on temporary sprees of criminality during intervals between legitimate labor. Significantly, most did not describe their capital property offenses as isolated aberrations in their conduct; only two of the condemned thieves portrayed themselves as complete novices in crime.[57]

Whether they were full-time, part-time, or sporadic offenders, the types of goods stolen by the thieves of eighteenth-century Massachusetts were remarkably similar in most cases. Their loot typically included fabrics, finished clothing and accessories, miscellaneous household goods, food, silverware, and/or money. Items from one or more of those categories were included in a great majority of the thefts described in "last speech" broadsides, in newspaper reports and advertisements, and in actual criminal indictments. They predominated in larcenies, burglaries, and even robberies, regardless of the size of the haul. The largest thefts, generally burglaries from the shops or warehouses of merchants (although occasionally from the homes of wealthy individuals), could yield goods worth from twenty to two hundred pounds or more. Those crimes sometimes involved a significant amount of advance planning, including prior information on the presence of valuables at a certain location and careful reconnoitering of the scene of the prospective crime.[58] Such high-yield thefts occurred throughout the eighteenth century.[59]

The details of a single late-colonial case suggest the range and quantity of goods that might be taken in a large commercial heist. In September of 1768, William

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Linsey broke into the shop of Thomas Legatt of Leominster, Massachusetts, and made off with property valued at 66 pounds, eight shillings, and tenpence. The specific items stolen were enumerated in the records of the Superior Court of Judicature; they included a wide variety of fabrics, variously described as linen, chints, taffety, tammy, calamanco, holland, lawn, serge, buckram, broad cloth, and woolen cloth; such clothing and accessories as handkerchiefs, hats, gloves, hose, and buttons; such food items as cakes, biscuits, raisins, chocolate, nutmeg, and cinnamon; along with such miscellaneous household goods as pins, fishing lines, razors, pen knives, ink pots, two spelling books, two primers, two psalm books, one Bible, and more.[60]

While burglaries and thefts thus occasionally involved valuable quantities of goods, most of the property crimes committed by the twenty-five thieves in the sample seem to have yielded much more modest returns. Many such crimes, generally from private homes, netted goods worth less than twenty pounds, often much less. For example, about two years after looting a shop of goods worth more than 66 pounds, William Linsey burglarized a private home in Lunenburg, Massachusetts, with much less lucrative results. On the night of September 8, 1770, Linsey broke into the dwelling of Joseph Bellows and stole one beaver hat, one pair of leather breeches, one striped linen shirt, one cotton and linen shirt, one pair of men's shoes, one pair of metal shoe buckles, one pair of garters, one pair of leather spatterdashes, one pair of knee buckles, thirty pounds of pork, ten pounds of beef, and one pair of yarn stockings, to a total listed value of only three pounds, six shillings, and six pence.[61]

Most of the fabrics, clothes, and other household items stolen in large and moderate sized burglaries and thefts were undoubtedly intended for eventual resale.[62] Yet in numerous cases, especially those involving relatively small thefts, it is difficult to distinguish items taken for subsistence from those intended to be sold for profit. Many stolen goods were actually destined for the immediate personal use of the thieves themselves. One recent quantitative study has suggested that such thefts for subsistence, committed by unskilled workers just struggling to survive, may have represented an increasing proportion of Massachusetts property crimes during the post-Revolutionary period.[63] In any case, the phenomenon was most apparent in the sprees of opportunistic, often petty theft committed by transient offenders, a pattern frequently depicted in the published narratives.

The "last speech" of "Arthur, a Negro Man," published in 1768, for example, described a string of minor thefts committed by himself, Isaac Frasier, and another companion, after their joint escape from the Worcester Jail:

> We then set off for *Boston*. At *Shrewsbury*, we stole a Goose from Mr. *Samuel Jennison*, and from the Widow *Kingsley*, in the same Place, we stole a Kettle, in which we boiled the Goose, in *Westborough* Woods. At *Marlborough*, we broke into a Distill-House, from whence we stole some Cyder Brandy. In the same Town we broke into a Shoe-maker's Shop, and took each of us a pair of Shoes. We likewise broke into Mr. *Ciperon Howe's* House, in the same Place, from whence we stole some Bread, Meat and Rum. At *Sudbury*, we stole each of us a Shirt, and one pair of Stockings.[64]

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And so forth. Most of those property crimes seem to have been opportunistic thefts designed to meet the immediate needs of the fleeing felons for food, drink, and clothing.

Henry Tufts also engaged in a long series of petty thefts for subsistence, both in the vicinity of his residence in New Hampshire and on long rambles through other parts of the country. When he was in need of shoes, Tufts sought out a shoemaker's shop and stole a pair or two; when he was hungry, he broke into a milk-house (or buttery) and took "a profusion of butter, cheese, bread and cold meat." Johnson Green's *Life and Confession* of August, 1786, described a somewhat similar string of break-ins, along with thefts through open windows or out of wash-tubs, most often involving food, clothing, and money. During the single year of 1784, Green committed at least a dozen such crimes in southern Massachusetts and Rhode Island, making off with shirts, gowns, stockings, and sheets, along with various quantities of pork, beef, and mutton. By his own account, Green disposed of such goods in a variety of ways: "Some of the things I have stolen I have used myself – some of them I have sold – some have been taken from me – some I have hid where I could not find them again – and others I have given to lewd women, who induced me to steal for their maintenance."[65]

Thus, although it may sometimes be possible to distinguish between relatively large-scale larcenies for profit and smaller petty thefts for subsistence, the significance of the distinction ought not to be exaggerated. Several of the criminals in the sample committed both types of offenses; it seems probable that particular targets, yields, and dispositions were often a function of opportunity and chance, rather than careful forethought or planning. Similarly, the criminals in the sample do not seem to have drawn a sharp line between simple larceny and burglary; most committed both types of offense. Choosing between the two modes apparently was often more a matter of circumstance than of settled policy. In contrast, a fairly sharp distinction may be drawn between the thieves/burglars and a third category of property criminals: robbers.

Very few of the property crimes under study here were robberies, that is, thefts from individuals, generally on public thoroughfares, involving the threat or use of violent force. Among the twenty-five criminals in the sample, only Richard Barrick, John Sullivan, and Rachel Wall were executed for robbery. Barrick and Sullivan were condemned in October, 1784, for assaulting Cyrus Baldwin on the highway at Winter Hill, in Charlestown, the previous July, robbing him of a watch, a silk handkerchief, a penknife, and some silver currency. According to a newspaper report on the incident, Baldwin was severely beaten with a club, cutting "his Scalp in several Places." Wall was capitally convicted of assaulting Margaret Bender on the public highway and robbing her of a bonnet worth seven shillings. Other cases of robbery reported in contemporary newspapers frequently involved the brandishing of weapons (such as guns or knives), the actual infliction of physical violence (such as stabbings or beatings), and the theft of money, clothes, and such small personal items as watches.[66] While Barrick, Sullivan, and Wall had all been guilty of other larcenies and burglaries in the past, very few of the other property criminals in the sample ever seem to have committed robberies.[67] Robbers, then, were a relatively distinct group of property criminals, distinguished from most others by their willingness to resort to physical intimidation and violence.

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The Limits of Social Control

In some instances, the judicial system of eighteenth-century Massachusetts operated quite efficiently in detecting and punishing property criminals. The cases of Joseph Lightly, Dirick Grout, William Huggins, and John Mansfield, already described, seem to illustrate a system of justice that could fairly effectively (and rapidly) locate, prosecute, punish, and finally excise criminals from the community. Somewhat similarly, John Sheehan, an Irish immigrant who had served in the American army during the Revolution, and John Bailey, a black mariner from New York City, were (at least by their own accounts) criminal novices who were quickly isolated and disposed of by the court system.[68] Such cases are certainly consistent with David H. Flaherty's finding that "the system of social control" in provincial Massachusetts "did function effectively for the prevention and prosecution of serious crime."[69]

However, many of the other cases in the sample suggest a far less optimistic assessment of the efficiency of the system of criminal justice in provincial and early national Massachusetts. In such cases, property criminals were able to commit numerous larcenies and burglaries over extended periods of time, despite the best efforts of judicial authorities. Hugh Henderson, an Irish immigrant, spent a total of nine years in New England; by his own account he "took to *Stealing*" after he had been there only a year and continued the practice thereafter, except for "two or three Years intermission." William Welch, another native of Ireland, seems to have frequently engaged in criminal activities over a period of at least three or four years. "My Crimes are heinous and numberless," he confessed in his *Last Speech*. "Thus I lived in a continued Course of Stealing, picking Pockets, Drinking and Whoring till I have brought myself to the Gallows."[70]

Native-born criminals sometimes proved just as persistent. The criminal career of Isaac Frasier, originally from North Kingston, Rhode Island, spanned a period of about eight years and was particularly active over the last three. The *Brief Account* of his life specifically recorded nearly fifty acts of theft, many involving breaking and entering – and the list was by no means complete. "I acknowledge myself to have been guilty of almost an innumerable number of other thefts," Frasier explained, "but have forgot the order of time in which they were committed." For example, his own account did not specify a single one of the ten thefts described by Arthur, his black cohort, as having been committed with Frasier following their joint escape from Worcester Jail in December of 1766.[71]

William Linsey, born in Hampshire County, Massachusetts, listed more than twenty acts of fraud or theft committed during a criminal career that spanned five or six years. "Having so often escaped with impunity, for my wretched crimes," he recalled, "I was under no awe or restraint, neither fearing God nor regarding man, resolutely bent upon working wickedness." Johnson Green, a native of Bridgwater, Massachusetts, committed thefts over a period of more than five years, but was especially active during the years 1783 through 1786. His "last speech" broadside listed more than sixty thefts or attempted thefts, many involving break-ins, over the course of his criminal career.[72]

The *Confession* of Thomas Mount, published in pamphlet form, specified no fewer than ninety-five acts of theft attempted by the New Jersey native, beginning during the late 1770s and only ending with his execution in 1791. The criminal

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career of Henry Tufts, born in Newmarket, New Hampshire, in 1748, was even longer than Mount's. He began stealing in the early 1760s and did not stop until receiving a sentence of death for burglary – never actually executed – in 1794. Tufts confessed that any "endeavour to particularize the numerous tricks and villainies which first and last I have practised would be a vain and useless task...; a mere catalogue of which must swell a volume." In fact, Tufts' various offenses do "swell a volume;" the *Narrative* of his life and crimes runs to more than 350 pages. Even allowing for occasional picaresque exaggeration, or even invention, it constitutes a formidable record of larceny. Finally, Samuel Smith, a native of Middletown, Connecticut, committed his first thefts before the onset of the American Revolution and continued stealing until his death by hanging in December of 1799.[73]

The criminal careers just described varied in a number of significant respects. Men like Frasier, Green, and Mount committed enormous numbers of thefts and burglaries. Linsey alternated between such straightforward larcenies and more crafty commercial forgeries and frauds. In addition to simple thefts, shop-breaking, and horse-stealing, Henry Tufts periodically rambled across the countryside practicing medicine, preaching, telling fortunes, playing cards, and even, one winter, exhibiting "a set of pictures, called *shows*, which were viewed by looking through magnifying glasses." Samuel Smith not only committed larcenies and burglaries, but also received stolen silver plate and sometimes counterfeited currency. What all of those different careers shared was an habitual tendency to commit property crimes, and an apparent ability to evade (or endure) penal sanctions, over periods ranging from at least three to as many as thirty or more years.[74]

How were those felons able to achieve such extended criminal careers during a period when, in Massachusetts, some types of burglary were punishable by death on the first offence and simple larceny (to the value of three pounds) was a capital crime after only three convictions? Various factors must be considered. First, the careers of several in the sample were undoubtedly lengthened by their frequent – at times, almost perpetual – mobility. Such thieves as Isaac Frasier, Johnson Green, Thomas Mount, and Henry Tufts were preeminently men on the move. Frasier's wanderings carried him throughout southern New England, perpetrating crimes or receiving punishments in Boston, Worcester, New Haven, Middletown, and Providence and at numerous other locations as well. Johnson Green committed crimes in about twenty different communities, mostly in southeastern Massachusetts and Rhode Island, including Attleborough, Barre, Bridgewater, East-Bridgewater, Easton, Halifax, Holden, Johnston, Medford, Natick, Norton, Patuxet, Providence, Rutland, Seaconk, Sherburne, Shrewsbury, Stoughton, Stoughtonham, and Walpole. During intervals between his thefts, he was often "obliged to keep in the woods" in order to avoid detection.[75]

Thomas Mount's long string of nearly one-hundred larcenies stretched up and down the eastern seaboard, all the way from Alexandria, Virginia in the south to Portsmouth, New Hampshire in the north. Although many of Henry Tufts' thefts occurred in the vicinity of his longtime home in Lee, New Hampshire, he committed numerous other property offenses while on rambles that took him through Maine, Vermont, Massachusetts, Connecticut, New York, and New Jersey.[76] The frequent movement of those habitual thieves undoubtedly helped

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them to escape detection and to evade capture even when detected; allowed them to establish themselves repeatedly in new locations, where their reputations for larceny would not have been known; and may have also enabled them to avoid the more serious punishments that sometimes came with multiple convictions, by spreading their crimes over a number of jurisdictions. Such men apparently constituted one segment of a larger transient class of vagrants, vagabonds, or "strolling poor," repeatedly legislated against in Massachusetts over the course of a century and a half.[77]

A second means by which thieves were able to extend their criminal careers was by arranging private settlements of their crimes when they were apprehended.[78] In 1766, the Chief Justice of the Superior Court of Judicature, Thomas Hutchinson, bemoaned the frequency of the offence known as "Theft-bote," whereby "the Person robbed has taken back the Goods stolen, and received a Satisfaction in Order to a Concealment." In fact, such private resolutions were repeatedly mentioned in the *Brief Account* of Isaac Frasier, a thief active during the 1760s. In the early part of that decade, while residing in Newtown, Connecticut, Frasier noted that he stole "some trifle from Jonathan Booth, was detected, and settled the affair in private." At the same place, he was also accused of taking some money from "one Amos Northrup," but was able to "secrete" the accusation by paying Northrop off. Around the same time, he "stole a shirt" from someone in New-Milford, but "settled the affair without punishment." In July, 1765, Frasier broke open and robbed the shop of Trueman Hinman in Woodbury, Connecticut, of seventy or eighty pounds worth of goods; after being detected, he "settled the affair with the owner without punishment." Finally, the notorious thief stole a hat in Providence and "was taken for it," but again "settled the affair without trial."[79]

Such private settlements were occasionally mentioned in the narratives of other thieves as well. In 1768, Arthur recalled a case at Sandwich in which he "stole a Shirt, was detected, and settled the Affair, by paying twenty Shillings." In 1770, William Linsey recounted two instances in which employers arranged "settlements" to shield him from legal action. In 1773, Levi Ames mentioned that he had given the victim of one of his thefts twenty dollars in order to "make up the matter." In 1774, Daniel Wilson described another pair of private arrangements to settle horse thefts, at least one involving monetary compensation. Finally, Henry Tufts' lengthy *Narrative* of 1807 described five or six instances in which he was able to arrange private settlements of his crimes.[80] It is probably significant that all of the examples just cited involve criminals who had been born and raised in New England; private settlements were probably more easily arranged by natives of the region than by foreign immigrants or other strangers.[81]

Another important factor in extending the criminal careers of thieves was the notorious inadequacy of jails in eighteenth-century Massachusetts and in surrounding jurisdictions.[82] Escapes from jail were periodically reported in contemporary newspapers.[83] Frequent references to escapes – and attempted escapes – also made their way into court records.[84] Other evidence suggests that the problem of jail security was quite serious. One modern scholar has estimated that 16% of all convicts who served time in the prison facility on Castle Island in Boston Harbour during the years 1785-1798 managed to escape.[85] The "last speeches" and other narratives of condemned thieves in eighteenth-century Massachusetts also suggest that the problem was a pervasive one. Isaac Frasier's *Brief Account* reported

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numerous escapes from a variety of jails. Between the years 1760 and 1768, he broke out of facilities in (or near) Newport, Rhode Island; Goshen, New York; Litchfield, Connecticut; Fairfield, Connecticut (twice); Worcester, Massachusetts (twice); Cambridge, Massachusetts; and finally, while under sentence of death for burglary, New Haven, Connecticut. Frasier also reported several unsuccessful attempts at escape from New England jails; during one such effort, he managed to burn down the jail and court house in Fairfield.[86]

Thomas Mount more than matched the impressive record of Isaac Frasier. He fled twice from military custody in the state of New York; escaped from the prison garrison on Castle-Island in Boston Harbour by swimming three miles on a foggy day; and broke out of jails in Philadelphia, Pennsylvania (twice); Alexandria, Virginia; Newcastle, Delaware; Fairfield, Connecticut; Windham, Connecticut; York, Massachusetts (now Maine); and Portsmouth, New Hampshire. Henry Tufts was hardly less successful in his efforts at escape. In addition to breaking out of military custody at West Point, Tufts also escaped from jails in Exeter, New Hampshire (four times!); Newburyport, Massachusetts; Dover, New Hampshire; and Salem, Massachusetts. He also once attempted to escape from the jail at Falmouth (later Portland), Maine, and tried repeatedly to break out of the jail in Ipswich, Massachusetts, but without success.[87]

Several other thieves, including Arthur, Daniel Wilson, Francis Coven, Johnson Green, and Samuel Smith also reported on one or more successful jailbreaks in their "last speeches." In August of 1794, shortly before his incarceration on Castle Island following a conviction for breaking and entering and larceny, a writ of habeus corpus had been issued to transfer Samuel Smith from custody in Middlesex County to the jail in Boston. On the writ, Attorney General James Sullivan scrawled a brief note that may serve as an apt summary of a century of frustration for legal authorities in Massachusetts and in many surrounding jurisdictions. "The Sheriff of Middlesex will have Smith in Boston on Thursday if possible," Sullivan tersely noted, "bets run high that he will escape." Sure enough, although Smith was successfully transported from Concord to Boston, the authorities proved unable to hold him for the duration of his lengthy prison term; during the winter of 1796-97, Smith successfully absconded from Castle Island by crossing a frozen Boston Harbor over the ice.[88]

In addition to criminal mobility, private settlements, and inadequate jails, a final set of factors that prolonged criminal careers in provincial and early national Massachusetts related to the nature of contemporary penal sanctions. The common non-capital penalties for property offenses during most of the period were public whipping, public shaming (in the pillory or on the gallows), physical mutilation (branding or ear cropping), fines and court costs, and (in lieu of monetary payments) servitude. Unfortunately, there was little to stop a thief who had just been whipped, shamed, mutilated, or fined from returning forthwith to his criminal habits. For example, after once receiving one-hundred lashes for a theft and twenty-five more for "giving the court saucy answers," Thomas Mount's attitude was anything but contrite. "No sooner was this account settled," he recalled, "but I proceeded in my old way, and stole three large silver spoons." Mount's response was apparently a common one. "Our thieves after whipping, and a short imprisonment, are set at liberty," a contemporary commentator from a neighboring state explained, "the punishment they have received has destroyed

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the fear of shame, and produced a desire of revenge, which serves to stimulate their vicious inclination; they improve the next opportunity to repeat the crime, and by practice make themselves masters of the trade."[89]

While servitude, a sanction regularly imposed on convicted thieves in lieu of fines and court costs, theoretically imposed an extreme sort of social control over condemned criminals, the practice was flawed in several respects. First, in cases where a victim (who was entitled to the convict's labor) was reluctant to employ the felon himself, it sometimes proved impossible to find anyone else willing to purchase the convicted thief as a servant. Thus, in his memoirs, Henry Tufts recalled one such instance in which he and an accomplice had to be released because, as he playfully put it, "no man in his senses would purchase...a brace of condemned malefactors." His case was by no means unique. In 1784, an exasperated correspondent of the *Massachusetts Centinel* complained that it was as difficult to find purchasers for convicted felons as it was "for a thief to become an honest man."[90] Even when someone could be found to take condemned men into servitude, it seems unlikely that such masters would have been any more effective than local jailors in controlling recalcitrant offenders.[91]

Although the penalty of incarceration was imposed with increasing regularity on property criminals during the last fifteen years of the eighteenth century – following the penal reorganization of 1785 – it was, of course, limited in its effectiveness by the extreme insecurity of eighteenth-century jails and prisons, even such new facilities as that on Castle Island.[92] Thus, in the final analysis, only the gallows could put a certain end to the career of a thief in eighteenth-century Massachusetts. "No, no, that is impossible," one particularly notorious property criminal was wont to reply when admonished to reform. "Tommy Mount must be hung for a thief."[93]

A Fellowship of Thieves

In the lengthy *Narrative* of his life, Henry Tufts repeatedly portrayed himself as a figure acting in opposition to the interests and sentiments of the broader community. Early in the work he explained that he was unable to gain employment from hostile neighbors in the vicinity of Lee, New Hampshire, and even described how a mob of locals tried to dismantle his house. "As the vortex of my rapacity enlarged its circumference, in like ratio did the number of my enemies increase," Tufts commented shortly thereafter, "they now reprobated my unjust practices with greater indignation, and wished nothing more sincerely, than an exemplary punishment." Such sentiments only increased with time; thus, he later noted: "Many were officially anxious that I should be caught and punished, regarding me as a pest to society, and my nefarious misdeeds as altogether insufferable." Indeed, by "robbing friends and foes indiscriminately," Tufts and his associates established themselves as "the scourges of the community."[94]

Yet Tufts and the other thieves of eighteenth-century Massachusetts were not all isolated deviants, each skulking alone in an entirely hostile sea of law-abiding respectability. Rather, at least some of the thieves were part of an alternative fellowship that existed uneasily within the broader society. Fragmentary evidence indicates that property criminals of seventeenth-century Massachusetts may have occasionally acted in small groups, while newspaper reports of the eight-

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eenth century suggest an awareness that thieves continued to operate in gangs.[95] The "last speeches" and other published narratives of property criminals also indicate that thieves frequently acted with one or more accomplices. A few such cases have already been described. Following their joint flight from the Worcester jail, Arthur committed a series of thefts in company with Isaac Frasier and another young escapee; William Huggins and John Mansfield were intimate friends who together committed a capital burglary; Dirick Grout committed a number of property crimes in conjunction with two dishonest associates; Richard Barrick and John Sullivan were joined by a third accomplice in perpetrating the highway robbery for which two of them were hanged.[96]

The pattern is even more dramatically illustrated by the career of Henry Tufts, a rogue who habitually sought out like-minded companions to join him in the commission of property crimes. Tufts periodically introduced those disreputable associates to the readers of his lengthy autobiographical *Narrative*. First, there was James Dennis, an Irishman, of whom Tufts claimed: "In the formation of our minds there was something congenial, I believe, which, like loadstone and steel, attracted each other." It was at Dennis's urging and in his company that Tufts burglarized a store in Saco, Maine. Other partners followed. "About this period I met with one James Smith, a Dutchman, whose disposition, I perceived, was analogous to my own," Tufts recounted. "As kindred souls naturally agree, we became intimately associated." Smith and Tufts soon embarked on a partnership in thievery in which "hens, turkies, sheep, and the like" became the frequent "victims" of their "rapacious industry." Sometime later he took up with "a droll, unlucky chap" named John Sanborn, a man of his "own kidney," with whom he also willingly "associated" and engaged in many thefts. It is certainly significant, in terms of the general reliability of Tuft's *Narrative* as a social-historical source, that numerous traces of the criminal activities of his companions – including one or two of Dennis's offenses specifically mentioned by Tufts – may be found in the Massachusetts Superior (later Supreme) Court records and files.[97]

If the *Narrative* of Henry Tufts is useful in suggesting the sometimes intimate *quality* of criminal partnerships, the *Confession* of Thomas Mount is helpful in suggesting the sheer *quantity* of such associations over the course of an extended criminal career. Indeed, a high proportion of the nearly one hundred property crimes catalogued in Thomas Mount's brief autobiography were committed with the assistance of one or more companions. In all, Mount referred by name to no fewer than twenty-eight accomplices with whom, in small groups of between two and four, he committed numerous thefts and burglaries up and down the Atlantic seaboard. Those accomplices included Jack Millar (or Miller), with whom he was convicted before the Massachusetts Supreme Judicial Court of breaking and entering and larceny in August of 1785, and Archibald Taylor of Boston, subsequently convicted and hanged for robbery in 1788.[98]

There is some evidence that, by the second half of the eighteenth century, criminal associations were moving beyond isolated, localized partnerships to encompass larger areas of operation and networks of cooperation. The pattern has already been well documented for colonial counterfeiters.[99] Although there probably was not the same degree of criminal organization among other types of property offenders, some such development does seem to have taken place.[100] Newspaper reports occasionally suggested the widening scope of activities and the

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emerging pattern was strikingly confirmed by the accounts of Henry Tufts and Thomas Mount. Not only did Tufts himself ramble throughout virtually all of the northeastern United States, committing numerous property offenses along the way, he also cooperated with a "connected string" of "confidential friends," an apparent network of criminal associates or accomplices, "reaching from New York, to the District of Maine; and from thence through Vermont to [the] Canada line."[101]

Similarly, the Reverend William Smith, editor of Thomas Mount's *Confession* of 1791, claimed that Mount was part of an extensive "gang of plunderers" – held together by rules, regulations, and a common criminal dialect – that had "infested the United States ever since the late war." According to Smith, the American network of thieves modeled themselves on an earlier British criminal organization known as the Flash Company; the minister concluded that the group had

> spread themselves all over the continent, from Nova-Scotia to the remotest parts of Georgia – that the principal seaport towns are their places of general rendezvous – and that the number of the society at present, are from about 70 to 80 males and females. They have receivers in the principal towns of each State, who not only receive the stolen goods, but point out shops and houses for them to break into and plunder.[102]

Significantly, Henry Tufts claimed to have become acquainted with a number of the "flash fraternity" while in prison on Castle Island during the 1790s.[103] Although Smith (or his informants) may very well have exaggerated the size, reach, and cohesiveness of the American Flash Company, it seems likely that at least some widely-flung networks of property criminals did operate in post-Revolutionary America.

In addition to their immediate associates, the thieves of eighteenth-century Massachusetts also participated in a wider quasi-criminal subculture made up of prostitutes, tavern-keepers, receivers of stolen property, and other secondary accomplices. In 1734, Matthew Cushing confessed that he was "much addicted to lewd Women" and claimed to have found "many" in Boston to suit him. Three years later, Hugh Henderson not only confessed to "*Gaming*" and "*Whoring*," but also suggested that Worcester tavern-keepers cheated on weights and measures, tolerated "Disorders" in their houses, and allowed patrons to drink to excess. In 1754, William Welch's *Last Speech* depicted a similarly disreputable urban milieu. The condemned man referred to a safe-house where he had been secreted as a runaway servant, suggested that Boston contained many such havens for "Rogues and Run-aways," complained of one particularly "abominable" brothel-keeper who received stolen goods, and emphasized the role of prostitutes in corrupting him and encouraging him to steal. "I frequented idle Houses, and found many in *Boston*, where were idle Women to decoy the Simple, and gratify the lustful," he explained. "And thus I continued in Stealing and picking Pockets, and spending all on Whores."[104]

Thieves of the late eighteenth century described a social environment populated by prostitutes, receivers, and other disreputable associates. Johnson Green confessed that he had given many of the proceeds of his crimes to "lewd women, who induced [him]...to steal for their maintenance." Henry Tufts described

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secondary accomplices who provided information about prospective targets and assisted him in the aftermath of his crimes. Finally, Thomas Mount provided by far the most lurid picture of underworld camaraderie, recalling how "a company of thieves, with their whores,...full of plunder" would often meet after a burglary and engage in "scenes of cursing, singing, dancing, swearing, roaring, lewdness, drunkenness, and every possible sort of brutish behaviour." Mount particularly complained of the receivers, or "fences," as they were called in the flash language. According to him, they not only regularly underpaid and even cheated the thieves, but also combined with prostitutes to further exploit them. "These receivers being in league with our whores," Mount explained, "make them very extravagant in their demands upon us, who, after treating them with the best of our spoils, if we do not promise quickly to get them more, threaten to inform against us."[105]

Although a number of offenders may have been isolated deviants, many of the property criminals of eighteenth-century Massachusetts were participants in a loosely-knit fellowship of thieves, principals in a quasi-criminal subculture that at once served and exploited them. While some seem to have been driven to crime by bad upbringings, social displacement, and economic hardship, others apparently succumbed to peer pressure and personal temptation. Their deviance thus stemmed both from purely personal goals and frustrations and from such broader social problems as the growth of urban poverty in Boston and the expansion of transiency throughout eighteenth-century Massachusetts; their illicit careers also reflected patterns of property crime prevalent throughout early modern Europe and North America.

Most of the thieves in the sample were not true professionals, but marginal, often rootless young men who alternated erratically between honest labor and criminal activity, rarely achieving much success in either sphere. Yet given the weaknesses of existing social controls, they were sometimes able to go on for years, either evading the penal system entirely, or simply enduring its clumsy and ineffective non-capital sanctions. Some such thieves may eventually have turned away from larceny to lives of honest labor; for others, such as all but one of those in the sample here, the only lasting turn from crime came at the end of a rope. "In one word, a thief or highway-man is a pitiable animal," Thomas Mount concluded grimly, "he risks his life every adventure he engages in, and all the recompense he gets for his pains, is the treachery of his whores and comrades, and last of all an ignominious death."[106]

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Appendix: The Sample of Thieves[107]
(listed by order of death)

Name	*Birthplace*		*Vital Dates*
Matthew Cushing	Limerick, Ireland		1712-1734
Hugh Henderson	Armagh, Ireland	ca.	1707/9-1737
William Welch	Burchestown, Ireland	ca.	1730/1-1754
John Shearman	Rochester, Massachusetts (?)	ca.	1721/3-1764 (?)
Joseph Lightly	Newcastle, England		1739-1765
Isaac Frasier	North-Kingston, Rhode Island		1740-1768
Arthur, a Negro	Taunton, Massachusetts		1747-1768
William Linsey	Palmer, Massachusetts	ca.	1745/6-1770
Levi Ames	Groton, Massachusetts	ca.	1751/2-1773
Daniel Wilson	Bellingham, Massachusetts		1749-1774
William Huggins (alias)	Fish-Kill, New York		1759-1783
John Mansfield (alias)	Province of Maine	ca.	1760/1-1783
Dirick Grout	Schenectady, New York	ca.	1747/8-1784
Francis Coven	Marseilles, France	ca.	1761/2-1784
Richard Barrick	Ireland		1763-1784
John Sullivan	Limerick, Ireland		1766-1784
Johnson Green	Bridgewater, Massachusetts		1757-1786
John Sheehan	near Cork, Ireland	ca.	1763/4-1787
Rachel Wall	Carlisle, Pennsylvania		1760-1789
John Bailey	New York, New York		1771-1790
Thomas Mount	Middletown, New Jersey		1764-1791
John Stewart	Ireland	ca.	1777/8-1797
Stephen Smith	Sussex Co., Virginia	ca.	1769/70-1797
Samuel Smith	Middletown, Connecticut		1745-1799
Henry Tufts	Newmarket, New Hampshire		1748-1831

FOOTNOTES

*The author would like to thank Morris L. Cohen, David H. Fischer, David H. Flaherty, James A. Henretta and Peter N. Stearns for their helpful advice, criticism, and encouragement.

1. See, for example, J.M. Beattie, "The Pattern of Crime in England 1660-1800," *Past and Present*, no. 62 (1974), 47-95; Herman Diederiks, "Patterns of Criminality and Law Enforcement During the Ancien Regime: The Dutch Case," *Criminal Justice History*, 1 (1980), 157-174; Douglas Greenberg, *Crime and Law Enforcement in the Colony of New York 1691-1776* (Ithaca, 1974); Ruth Pike, "Crime and Criminals in Sixteenth-Century Seville," *Sixteenth Century Journal* 6 (1975), 3-18; Michael Weisser, "Crime and Punishment in Early Modern Spain," in V.A.C. Gatrell, Bruce Lenman, and Geoffrey Parker, ed's., *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), pp. 76-96; and works cited in notes 2, 11, 14, 21, 22, 29, 34, 53, and 95 below. For similar patterns of crime in nineteenth-century England, see Donald A. Low, *Thieves' Kitchen: The Regency Underworld* (London, 1982); David Philips, *Crime and Authority in Victorian England: The Black Country 1835-1860* (London, 1977); George Rudé, *Criminal and Victim: Crime and Society in Early Nineteenth-Century England* (Oxford, 1985); J. J. Tobias, *Crime and Industrial Society in the 19th Century* (New York, 1967).

2. See V.A.C. Gatrell, "The Decline of Theft and Violence in Victorian and Edwardian England," in Gatrell, Lenman, and Parker, *Crime and the Law*, pp. 265-266; Olwen H. Hufton, *The Poor of Eighteenth Century France 17509-1789* (1974; rpt. Oxford, 1979), p. 275; Mary Elizabeth Perry, *Crime and Society in Early Modern Seville* (Hanover, 1980), p. 32; Philips, *Crime and Authority*, pp. 197-204 and 287; Antoinette Wills, *Crime and Punishment in Revolutionary Paris* (Westport, Ct., 1981), pp. 119-125.

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3. This essay will be examining the property crimes of robbery, burglary, and larceny (or simple theft); it will not deal with such offenses as fraud, forgery, counterfeiting, and arson.

4. *The Charters and General Laws of the Colony and Province of Massachusetts Bay* (Boston, 1814), p. 56; Nathaniel B. Shurtleff, ed., *Records of the Governor and Company of the Massachusetts Bay in New England* (Boston, 1854), III, 244; IV, 82; Carl Bridenbaugh, *Cities in the Wilderness: The First Century of Urban Life in America 1625-1742* (1938; rpt. New York, 1971), pp. 69-70.

5. Bridenbaugh, *Cities in the Wilderness*, pp. 69-73 and 220-221; David H. Flaherty, "Law and the Enforcement of Morals in Early America," *Perspectives in American History* 5 (1971), 235-236.

6. See Massachusetts Superior Court of Judicature, Records [cited hereafter as Super. Ct. Rec.], 1700-1714, fols. 278v-279r. Those records, along with the later records of the Massachusetts Supreme Judicial Court and various early court files (cited below), were located for many years in the office of the Clerk of the Supreme Judicial Court for Suffolk County, Suffolk County Court House, Boston, but have recently been moved to the new State Archives, Boston.

7. Cotton Mather, *A True Survey & Report of the Road* (Boston, 1712); Mather, *A Flying Roll* (Boston, 1713); William R. Manierre II, ed., *The Diary of Cotton Mather D.D., F.R.S. for the Year 1712* (Charlottesville, Va. 1964), pp. 48-49 and 55. Mather's sermons on theft cited in Eli Faber, " 'The Evil That Men Do': Crime and Trangression in colonial Massachuetts (Ph.D. diss., Columbia University, 1974), p. 35, n. 1; one also cited in Kenneth Silverman, *The Life and Times of Cotton Mather* (New York, 1984), p. 452. Although it would otherwise appear quite likely that the group of thieves referred to in Mather's *Diary* were the same group tried before the Superior Court in November of 1712 (see previous note), there is a problem with dates; Mather noted the arrest of the gang on July 6, while the last of the burglaries for which two of the thieves were indicted in November had not been committed until July 10.

8. *A Report of the Record Commissioners of the City of Boston, Containing the Records of Boston Selectmen, 1701 to 1715* (Boston, 1884), p. 221; Bridenbaugh, *Cities in the Wilderness*, p. 221.

9. *Charters and General Laws*, pp. 406-407.

10. *Charters and General Laws*, pp. 435, 509-510, 644, and 668-669.

11. See Adam J. Hirsch, "From Pillory to Penitentiary: The Rise of Criminal Incarceration in Early Massachusetts," *Michigan Law Review* 80 (1982), 1244-1247.

12. *Boston Post-Boy & Advertiser* [cited hereafter as *Post-Boy*], Dec. 5, 1763, p. [2]; Nov. 12, 1764, p. [3]; Dec. 10, 1764, p. [3]; Dec. 24, 1764, p. [2]; Jan. 7, 1765, p. [3]; Jan. 14, 1765, p. [3]; Jan. 21, 1765, p. [3]; Feb. 11, 1765, p. [2]; and Feb. 18, 1765, p. [3]; Dec. 7, 1767, p. [3]; *Massachusetts Gazette and Boston News-Letter* [cited hereafter as *News-Letter*], March 10, 1768, p. [2]; Jan. 4, 1770, p. [3]; July 30, 1772, pp. [2] and [4] (advertisements); Aug. 13, 1772, p. [2]; Bridenbaugh, *Cities in Revolt: Urban Life in America, 1743-1776* (1955; rpt. London, 1971), pp. 299-301; Hirsch, "From Pillory to Penitentiary," pp. 1229-1231 and 1244-1246. On the higher incidence of property crime during the winter months, see *Post Boy*, Dec. 7, 1767, p. [3].

13. [Thomas Hutchinson], "Charge to the Grand Jury," in Josiah Quincy, *Reports of Cases Argued and Adjudged in the Superior Court of Judicature of the Province of Massachusetts Bay, Between 1761 and 1772* (Boston, 1865), p. 223; [Hutchinson], "The Charge given to the Grand Jury," in Quincy, *Reports of Cases*, p. 261; [Hutchinson], "A Message from his Honor the Lieutenant Governor," in *Journals of the House of Representatives of Massachusetts, 1770* (Boston, 1977), p. 108. Cited in Hirsch, "From Pillory to Penitentiary,," p. 1229, n. 254; p. 1246, n. 340.

14. See Linda Kealey, "Patterns of Punishment: Massachusetts in the Eighteenth Century," *American Journal of Legal History* 30 (1986), 169; Louis Paul Masur, "The Culture of Executions and the Conflict Over Capital Punishment in America, 1776-1860" (Ph.D. diss., Princeton University, 1985), pp. 73-74; Kealey, "Crime and Society in Massachusetts in the Second Half of the Eighteenth

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Century" (Ph.D. diss., University of Toronto, 1981), pp. v, 142, 199, 366-367, 372, 377, 410; Hirsch, "From Pillory to Penitentiary," pp. 1229-1231.

15. *The Boston Gazette and the Country Journal* [cited hereafter as *Boston Gazette*], Oct. 20, 1783, p. [2]; May 17, 1784, p. [3]; May 24, 1784, p.]2]; Sept. 27, 1784, p. [3]; March 14, 1785, p. [3]; *The Massachusetts Centinel and the Republican Journal* [cited hereafter as *Massachusetts Centinel*], Oct. 16, 1784, p.]1]; Massachusetts Supreme Judicial Court, Records [cited hereafter as Supr. Ct. Rec.], 1778-1780, fol. 184; 1781-1782, fol. 84; 1783, fols. 30-31 and 82-83; 1784, fols. 50-51, 88, 185, 227, 230-232, 263-264, 274, 316, 338-339, and 375. For the location of those records, see note 6 above.

16. The five executed offenders were Dirick Grout and Francis Coven (executed Oct. 28, 1784); John Dixson (Nov. 11, 1784); and Richard Barrick and John Sullivan (Nov. 18, 1784).

17. See Kealey, "Patterns of Punishment," p. 169; Kealey, "Crime and Society," pp. 142, 199, 367, 372, 377, 410.

18. *Boston Gazette*, Feb. 6, 1797, p. [3]; Feb. 13, 1797, p. [3]; Feb. 20, 1797, p. [3]; Feb. 27, 1797, pp. [1]-[3]; March 6, 1787, pp. [2]-[3]; March 13, 1797, p. [3]; March 20, 1797, p. [3]; April 3, 1797, p. [3]; John Lathrop, *God Our Protector and Refuge in Danger and Trouble* (Boston, 1797), *passim*, quoted at pp. 28-29.

19. For an earlier eighteenth-century expression of fear of the "strolling poor," see Mather, *A Flying Roll*, p. 12. For scholarly discussions of the phenomenon of transiency in England during the sixteenth and seventeenth centuries, see A.L. Beier, *Masterless Men: The Vagrancy Problem in England 1560-1640* (London, 1985); John H. Langbein, "The Historical Origins of the Sanctions of Imprisonment for Serious Crime," *Journal of Legal Studies*, 5 (1976), 45-47; Beier, "Vagrants and the Social Order in Elizabethan England," *Past & Present*, no. 64 (1974), 3-29; Paul A. Slack, "Vagrants and Vagrancy in England, 1598-1664," *Economic History Review*, 2nd Series, 27 (1974), 360-279. For scholarly discussions of the new era of penal reform, see Masur, "Culture of Executions;" Philip English Mackey, *Hanging in the Balance: The Anti-Capital Punishment Movement in New York State, 1776-1861* (New York, 1982); David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston, 1971).

20. See Bridenbaugh, *Cities in the Wilderness*, pp. 68-78, 220-231, and 379-391; Bridenbaugh, *Cities in Revolt*, pp. 107-122 and 299-305.

21. See David H. Flaherty, "Crime and Social Control in Provincial Massachusetts," *Historical Journal* 24 (1981), 339-360, *passim*, quoted at 356.

22. See N.E.H. Hull, *Female Felons: Women and Serious Crime in Colonial Massachusetts* (Urbana, 1987), Appendix 3; Hirsch, "From Pillory to Penitentiary," pp. 1228-1235 and 1246; Kealey, "Patterns of Punishment," p. 169; Kealey, "Crime and Society," pp. v, 142, 199, 367, 372, 377, and 410; Masur, "Culture of Executions," pp. 73-74.

23. See James A. Henretta and Gregory H. Nobles, *Evolution and Revolution: American Society, 1600-1820* (Lexington, MA, 1987), p. 72; Hull, *Female Felons*, pp. 157-161; Gary B. Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution* (Cambridge, MA, 1979), pp. 253-256, 325-338, and *passim*; Douglas Lamar Jones, "The Strolling Poor: Transiency in Eighteenth-Century Massachusetts," *Journal of Social History* 8 (1975), 28-54; and Allan Kulikoff, "The Progress of Inequality in Revolutionary Boston," *William and Mary Quarterly*, 3rd series, 28 (1971), 375-412.

24. See Hull, *Female Felons*, pp. 158-160.

25. On the rationalization of settlement and poor-relief laws during the 1790s, see Jones, "Strolling Poor," pp. 48-49.

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26. On property crime in nineteenth-century American cities, see David R. Johnson, *Policing the Urban Underworld: The Impact of Crime on the Development of the American Police, 1800-1887* (Philadelphia, 1979), pp. 12, 15-16, 41-89, and *passim*. For a somewhat different view, see Roger Lane, *Policing the City: Boston, 1822-1885* (New York, 1971), pp. 6, 54-57, 142-145, and *passim*; Lane, "Crime and Criminal Statistics in Nineteenth-Century Massachusetts," *Journal of Social History* 2 (1968), 156-163. The application of the terms "epidemic" and "endemic" to patterns of property crime in eighteenth and nineteenth-century Massachusetts was suggested to me by James A. Henretta. Given the paucity of scholarship on American property crime during the period 1800-1830, any conclusions concerning the transition from eighteenth to nineteenth century patterns must be highly speculative.

27. *Charters and General Laws*, p. 56.

28. For citations of eighteenth-century Massachusetts execution broadsides, see Wilfred J. Ritz, comp., *American Judicial Proceedings First Printed Before 1801: An Analytical Bibliography* (Westport, CT, 1984), pp. 192-220, *passim*.

29. See Peter Linebaugh, "The Ordinary of Newgate and His *Account*," in J.S. Cockburn, ed., *Crime in England 1550-1800* (Princeton, 1977), pp. 246-269; Linebaugh, "Tyburn: A Study of Crime and the Labouring Poor in London During the First Half of the Eighteenth Century" (Ph.D. diss., University of Warwick, 1975), pp. 246-325; John H. Langbein, *Prosecuting Crime in the Renaissance* (Cambridge, MA, 1974), pp. 45-47; and A.D.J. MacFarlane, *Witchcraft in Tudor and Stuart England* (New York, 1970), p. 85.

30. That claim is based on my own study of the early records and files of the Massachusetts Superior Court of Judicature and of its successor, the Supreme Judicial Court. For the location of those records, see note 6 above. I have located court files or entries in the court records for crimes referred to in the "last speeches" or other autobiographical narratives of all but one of the twenty-five property criminals in my sample; for citations to many of those, see *passim* in notes below.

31. For a more complete discussion of execution broadsides and related genres, see Daniel A. Cohen, "Pillars of Salt: A Prospectus" (unpublished paper, Brandeis University, 1986). For more skeptical assessments of the reliability of "last speech" broadsides and similar pamphlets as social-historical sources, see Masur, "Culture of Executions," pp. 21-22; Faber, "The Evil That Men Do," pp. 241-246.

32. The broadsides are Matthew Cushing, *The Declaration & Confession* ([Boston], [1734]); Hugh Henderson, *The Confession and Dying Warning* (Boston, [1737]); William Welch, *The Last Speech & Dying Words* ([Boston], [1754]); John Shearman, *The Last Words and Dying Speech* (Boston, [1765]); Joseph Lightly, *The Last Words and Dying Speech* ([Boston], [1765]); Arthur, a Negro Man, *The Life, and Dying Speech* (Boston, [1768]); William Linsey, *The Dying Speech and Confession* (Boston, 1770); Levi Ames, *The Last Words and Dying Speech* (Boston, [1773]); Daniel Wilson, *The Life and Confession* ([Providence?], [1774]; William Huggins and John Mansfield, *The Last Words* (Worcester, [1783]); Dirick Grout and Francis Coven, *The Life, Last Words and Dying Speech* ([Boston?], [1784]); Johnson Green, *The Life and Confession* (Worcester, [1786]); John Sheehan, *Life, Last Words and Dying Speech* (Boston, [1787]); Rachel Wall, *Life, Last Words and Dying Confession* ([Boston], [1789]); John Bailey, *Life, Last Words and Dying Confession* (Boston, [1790]); John Stewart, *The Confession, Last Words, and Dying Speech* ([Boston]: [1797]); Stephen Smith, *Life, Last Words and Dying Speech* ([Boston], [1797]); Samuel Smith, *Last Words and Dying Speech* (Concord, [1799]). The longer narratives are Isaac Frasier, *A Brief Account of the Life, and Abominable Thefts* (New-London, [1768]); Richard Barrick and John Sullivan, *The Lives and Dying Confessions* (Worcester, [1784]); Thomas Mount, *The Confession* (Portsmouth, [1791]); Henry Tufts, *A Narrative of the Life, Adventures, Travels and Sufferings* (Dover, NH, [1807]). All of the above works are cited hereafter by the criminal's name only. The sample includes two men executed for rape and two executed for murder; however, all four of those offenders had also committed property crimes; for a list of the twenty-five thieves, see Appendix.

33. Those are the records and files referred to in note 30 above.

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34. See J.A. Sharpe, *Crime in Early Modern England 1550-1750* (London, 1984), pp. 108-109; Sharpe, *Crime in Seventeenth-Century England* (Cambridge, 1983), pp. 107-108; Julius R. Ruff, *Crime, Justice and Public Order in Old Regime France* (London, 1984), pp. 132-133; and Wills, *Crime and Punishment*, pp. 110 and 113-115. The preponderance of men in their twenties is even more striking in the Massachusetts sample than it is in the European studies.

35. It should be noted, however, that John Shearman's claim to have been born in Rochester, Massachusetts, is suspect because it was made in the context of other testimony about his identity that was false; see the examination of John Shearman, March 1, 1764, Early Court Files, State Archives, Boston [cited hereafter as Ct. Files], no. 100375, paper 15. For the location of those files, see note 6 above. Some support for Shearman's claim may be found in the vital records of Rochester, Massachusetts, which list the birth of one "John Sherman" on July 27, 1721; see *Vital Records of Rochester Massachusetts*, 2 vols. (Boston, 1914), I, 266. For the birthplaces of the other criminals in the sample, see the various publications listed in note 32 above.

36. On the "wider criminal underworld" of the second half of the eighteenth century, see Bridenbaugh, *Cities in Revolt*, p. 300.

37. Welch; Barrick and Sullivan, pp. [3]-4; also see Henderson.

38. Frasier, pp. 3-4; Steven Smith.

39. Ames; Huggins and Mansfield; Grout and Coven.

40. See Cushing; Lightly; Sheehan; Stewart; Linsey; Green; Samuel Smith; Grout and Coven; Tufts, pp. [9]-11; Huggins and Mansfield; Wall; Bailey.

41. Cushing; Arthur; Wall; Mount, p. [3]; Stewart. For other early turns to crime, see Tufts, pp. 10-15; Ames; Green.

42. Wilson; Stewart; for other examples of the corrupting influence of associates, see Cushing; Bailey.

43. For a somewhat similar view of the motives of British offenders, see Langbein, "*Albion's* Fatal Flaws," *Past and Present*, no. 98 (1983), 100.

44. Lightly.

45. Grout and Coven; Green; Huggins and Mansfield.

46. For an exception, see Mount, p. 4.

47. Lightly; Super. Ct. Rec., 1764-1765, fol. 342; Ct. Files 147270; 147371; *Post-Boy*, Feb. 11, 1765, p. {2].

48. Grout and Coven; Supr. Ct. Rec., 1784, fol. 230; Ct. Files 103472; 106011, papers 25-27; *Boston Gazette*, Nov. 1, 1784, p. [3]. The precise chronological relationship of Grout's search for employment and his criminal activities is not entirely clear.

49. Huggins and Mansfield.

50. Ibid.

51. Ibid.; Supr. Ct. Rec., 1783, fol. 82v-83; Ct. Files 153329; *Boston Gazette*, June 23, 1783, p. [3].

52. Super. Ct. Rec., 1753-1754, fol. 185 (Welch).

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53. See Peter Lawson, "Property Crime and Hard Times in England, 1559-1624," *Law and History Review* 4 (1986), 114-117; J.M. Beattie, *Crime and the Courts in England 1680-1800* (Princeton, 1986), pp. 213-235; Douglas Hay, "War, Dearth and Theft in the Eighteenth Century," *Past and Present*, no. 95 (1982), 117-160; Tobias, *Crime and Industrial Society*, pp. 40-41.

54. See Kealey, "Crime and Society," pp. 156-159.

55. For evidence that John Shearman may have been a professional thief who performed no honest labor, see testimony in deposition of Elizabeth Erving, March 6, 1764, Ct. Files 100375, paper 16. Yet Shearman identified himself as a shipwright; see examination of John Shearman, March 1, 1764, Ct. Files 100375, paper 15; on the unreliability of his testimony, see note 35 above.

56. See examination of John Shearman, March 1, 1764, Ct. Files 100375, paper 15 (shipwright); Wilson; Ct. Files 102252d (Wilson, housewright); Grout and Coven (Grout, bricklayer); on the unreliability of Shearman's testimony, see note 35 above.

57. See Sheehan; Bailey.

58. See Ames; Tufts, pp. 33-35 and 54.

59. See Super. Ct. Rec., 1700-1714, fol. 278v; 1730-1733, fols. 211v-212; Supr. Ct. Rec., June-Nov., 1785, fols. 81v-83r (Mount); 1787, fol. 214 (Sheehan); Ct. Files 40162; 100375, papers 17-21 (Shearman); 100391 (Shearman); 103483 (Coven); 103879 (Mount); 104770 (Sheehan); *News-Letter*, May 8, 1735, p. [2]; *Post-Boy*, Oct. 29, 1764, p. [3]; March 4, 1765, p. [3]; *Boston Gazette*, Oct. 13, 1783, p. [3]; July 5, 1784, p. [2]; March 13, 1797, p. [3]; Frasier, pp. 6-7, 11, and 15; Linsey; Barrick and Sullivan, pp. 5 and 11; Mount, pp. 4, 7-10, 12-14; and Tufts, pp. 33-36 and 54.

60. Super. Ct. Rec., 1769, fols. 128v-129v; Ct. Files 152410.

61. Super. Ct. Rec., 1770, fol. 176; Ct. Files 152512. For other similarly modest yields of under 20 pounds, see Super Ct. Rec., 1784, fol. 228 (Coven); June-Nov., 1785, fol. 83 (Wall); Feb.-June, 1786, fols. 181v-182r (Green); 1794, fols. 119v-120r (Tufts); Ct. Files 44640 (Henderson); 44647 (Henderson); 103472, papers 2 and 4 (Grout); 103477 (Coven); 134593 (Tufts); 154711 (Green); 154717 (Green).

62. Stolen property might be sold to local receivers, shipped for safe resale to networks of accomplices in other colonial towns, or taken out into the country to be hawked to rural consumers; see Welch; *Post-Boy*, Nov. 13, 1769, p. [3]; *News-Letter*, Aug. 13, 1772, p. [2].

63. See Kealey, "Crime and Society," pp. 156-159 and 205-206.

64. Arthur.

65. Tufts, pp. 53, 61, 126-128 and 181; Green.

66. Barrick and Sullivan, pp. 6 and 12; Wall (she claimed to be innocent); Supr Ct. Rec., 1784, fols. 338-339; May-Nov., 1789, fols. 257-258; Ct. Files 106011, paper 90 (Wall); 149055 (Barrick and Sullivan); *Boston Gazette*, July 26, 1784, p. [3]. For other cases of robbery reported in contemporary newspapers, see *News-Letter*, March 18, 1736, p. 2; Nov. 25, 1736, p. 2; *Post-Boy*, Dec. 5, 1763, p. [2]; May 14, 1764, p. [3]; *Boston Gazette*, Sept. 29, 1783, p. [2]; Oct. 13, 1783, p. [2]; May 24, 1784, p. [3]; Oct. 25, 1784, p. [3]; Nov. 22, 1784, p. [2]; and May 1, 1797, p. [3].

67. For an exception, see Mount, p. 5.

68. Sheehan; Bailey.

69. David H. Flaherty, "Crime and Social Control," p. 356. It should be stressed that Flaherty's study addresses the issue of crime during the provincial period only.

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70. Henderson; Welch.

71. Frasier, *passim*, quoted at p. 15; on Frasier and Arthur's joint crime spree, see text above.

72. Linsey; Green.

73. Mount; Tufts, pp. 11-15, 53-54 (quoted), 331, and *passim*; Samuel Smith. According to his *Narrative*, Tufts' capital conviction occurred in 1793 (see p. 286); however, court records indicate that the year was 1794 (see Supr. Ct. Rec., 1794, fols. 119-120). On the occasional resort to exaggeration or invention by Tufts (or his ghost writer), see Edmund Pearson, ed., *The Autobiography of a Criminal: Henry Tufts* (New York, 1930), pp. 347-357; Thomas Wentworth Higginson, "A New England Vagabond," *Harper's Magazine* 76 (1888), 611.

74. Frasier, *passim*; Green; Mount, *passim*; Linsey; Tufts, pp. 63-64, 109-112, 114, 156-157, 218-219, 240-241, and *passim*; Samuel Smith; Supr. Ct. Rec., Feb.-July, 1788, p. 367 (Samuel Smith); Ct. Files 149877 (Samuel Smith).

75. Frasier, *passim*; Green.

76. Mount, pp. 9, 11, and *passim*; Tufts, *passim*.

77. *Charters and General Laws*, pp. 200, 334-338, 525-534, 669-670; *The Laws of the Commonwealth of Massachusetts* (Boston, 1807), I, 411-413; II, 812-814; III, 78-80. Also see Jones, "The Strolling Poor," 28-54. For discussions of transiency in early modern England, see works by Langbein, Beier, and Slack, cited in note 19 above.

78. On the frequency of private settlements of property crimes in early modern Europe, see Sharpe, *Crime in Seventeenth-Century England*, p. 177; Alfred Soman, "Deviance and Criminal Justice in Western Europe, 1300-1800," *Criminal Justice History* 1 (1980), 11.

79. Hutchinson, "Charge to the Grand Jury," in Quincy, *Reports of Cases*, p. 223; Frasier, pp. 5-6 and 8.

80. Arthur; Linsey; Ames; Wilson; Tufts, pp. 43-44, 120, 137, 164, 243, and 262.

81. For an exception, see Barrick and Sullivan, pp. 5-6.

82. On the general inadequacy of jails in colonial America, see Rothman, *Discovery*, p. 56; Kenneth Scott, *Counterfeiting in Colonial America* (New York, 1957), pp. 9, 140, 209, 263, and *passim*. On the similar situation in eighteenth-century France, see Ruff, *Crime, Justice and Public Order*, pp. 52 and 160.

83. See *New-England Courant*, Jan. 21, 1723, p. [2]; *News-Letter*, July 21, 1726, p. [2]; Oct. 19, 1732, p. [2]; May 17, 1733, p. [2]; March 3, 1737, p. [2]; Aug. 20, 1772, p. [3]; Apr. 8, 1773, p. [3]; *Post-Boy*, May 9, 1763, p. [3]; Apr. 9, 1764, p. [4]; *Boston Gazette*, Oct. 18, 1784, p. [2].

84. See, for example, Supr. Ct. Rec., 1783, fol. 133; 1784, fols. 88, 130, 231, 373-374; 1785, fols. 267-268.

85. Edwin Powers, *Crime and Punishment in Early Massachusetts 1620-1692* (Boston, 1966), pp. 241-242.

86. Frasier, pp. 4, 7, and 9-12. On Frasier's burning down of the Fairfield jail in an unsuccessful escape attempt, see Frasier, *Brief Account*, pp. 11-12, confirmed in Richard Gaskins, "Changes in the Criminal Law in Eighteenth-Century Connecticut," *American Journal of Legal History* 25 (1981), 329, n. 84.

87. Mount, pp. 5-6, 8-10, and 12-13; Tufts, pp. 38-41, 56-60, 134-136, 137, 141-150, 199-204, 211-213, 220-223, 283-286, and 321-322.

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88. Arthur; Wilson; Grout and Coven; Green; Samuel Smith; Ct. Files 106786, paper 1.

89. Mount, p. 6; *Massachusetts Centinel*, Sept. 22, 1784, p. [1], quoted; also see Oct. 16, 1784, p. [1].

90. Tufts, p. 165; *Massachusetts Centinel*, Oct. 16, 1784, p. [1]; Hirsch, "From Pillory to Penitentiary," pp. 1231-1232.

91. See, for example, Frasier, p. 8.

92. On the shift to the penalty of incarceration during the last decades of the eighteenth century, see Hirsch, "From Pillory to Penitentiary;" Kealey, "Patterns of Punishment." On the origins of the same shift in Europe, see Beattie, *Crime and the Courts*, pp. 548-582 and 601-637; Langbein, "Historical Origins of the Sanction of Imprisonment." On the insecurity of the facility on Castle Island, see Powers, *Crime and Punishment*, pp. 241-242.

93. *Weekly Monitor* (Litchfield, Connecticut), Oct. 25, 1790, p. [2]; cited in Masur, "Culture of Executions," pp. 74 and 98, n. 36.

94. Tufts, pp. 44-46, 61, and 188.

95. See Bridenbaugh, *Cities in the Wilderness*, p. 70; *News-Letter*, Jan. 17, 1715, p. [2]; Sept. 2, 1773, p. [3]; *Post-Boy*, Dec. 12, 1763; p. 3; Nov. 13, 1769, p. [3]; *Boston Gazette*, Aug. 25, 1783, p., [2]; Oct. 20, 1783, p. [2]; May 17, 1784, p. [3]. On the similar organization of property criminals into small gangs (typically of between 2 and 5 members) in early modern Europe, see Beattie, *Crime and the Courts*, pp. 256-258; John L. McMullan, *The Canting Crew: London's Criminal Underworld 1550-1700* (New Brunswick, NJ, 1984), pp. 110-111; Pieter Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression* (Cambridge, 1984), p. 138.

96. See text above; on Barrick and Sullivan's accomplice, see Barrick and Sullivan, pp. 6 and 12.

97. Tufts, pp. 32, 53, and 188; Super. Ct. Rec., 1778-1780, fol. 64r (Dennis); Supr. Ct. Rec., 1783, fol. 133v (Dennis); 1784, fols. 231v (Dennis) and 231v-232r (Smith); June-Nov., 1785, fol. 78v (Dennis); Feb.-June, 1786, fol. 77 (Dennis); 1794, fol. 287 (Sanborn); Ct. Files 102623 (Dennis); 103484 (Dennis); 103485 (Smith); 103660 (Smith); 103855 (Dennis); 104113 (Dennis); 104848b (Smith); 106011, paper 35 (Dennis); 132922 (Dennis); 134651 (Sanborn).

98. Mount, *passim* (Millar and Taylor mentioned on pp. 7-8); Supr. Ct. Rec., June-Nov., 1785, fols. 81v-83r (Mount and Miller); Feb.-July, 1788, fol. 356 (Taylor); Ct. Files 104888 (Taylor).

99. See Scott, *Counterfeiting*, pp. 10, 23-26, 35, 123-125, 157, 220, 222, 225, 227, 229, 235-236, 262, and *passim*.

100. See Bridenbaugh, *Cities in Revolt*, p. 300.

101. *Post-Boy*, Dec. 12, 1763, p. [3]; Jan. 16, 1764, p. [3]; Nov. 13, 1769, p. [3]; Tufts, p. 196.

102. Mount, pp. [2] and 19-21.

103. Tufts, p. 315.

104. Cushing; Henderson; Welch.

105. Green; Tufts, pp. 36-37 and 54-56; Mount, pp. 16-17.

106. Mount, p. 17.

107. Drawn from publications cited in note 32 above. The birthplace and birth date of John Shearman were drawn from his examination, March 1, 1764, Ct. Files 100375, paper 15; on the unreliability of Shearman's testimony, see note 35 above.

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